

COPY

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CITY OF MONTPELIER, STATE OF IDAHO

ORDINANCE No. 628

AN ORDINANCE OF THE CITY OF MONTPELIER, A MUNICIPAL CORPORATION OF IDAHO, AMENDING ORDINANCE 597, TO CORRECT THE LEGAL DESCRIPTION OF THE LAND ANNEXED INTO THE CORPORATE CITY LIMITS OF THE CITY OF MONTPELIER OTHERWISE KNOWN AS THE HUNTER PARK SUBDIVISION, SAID LAND BEING MORE GENERALLY DESCRIBED AS SET FORTH IN ATTACHED EXHIBIT "A".

ALSO: PROVIDING FOR THE CITY CLERK TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH THE IDAHO STATE TAX COMMISSION AND WITH THE BEAR LAKE COUNTY AUDITOR, TREASURER, AND ASSESSOR IN ACCORDANCE WITH IDAHO CODE §§ 50-223 AND 63-215;

ALSO: PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, subsequent to notice and public hearing, on October 3, 2007 the City Council voted for and approved City Ordinance 597 annexing a certain parcel of land contiguous to the incorporated city limits of the City of Montpelier otherwise known as the Hunter Park Subdivision, in accordance with the provisions of Idaho Code §50-222; and

WHEREAS, subsequent to the Council's approval of Ordinance 597, the Idaho State Tax Commission rejected the legal description of the annexed property on the basis that the legal description was defective; and

WHEREAS, the city has obtained a corrected legal description, that correctly describes the annexed ground; and

WHEREAS, it has become necessary to amend Ordinance 597 to include the correct legal description; and

WHEREAS, after following the procedures required under Idaho Code §50-222, the Planning and Zoning Commission approved the proposed amendment;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MONTPELIER, STATE OF IDAHO AS FOLLOWS:

Section 1: That Section 2 of Ordinance 597 be amended in its entirety as follows:

That the land described in Exhibit "A" attached hereto and made a part hereof by reference, and as depicted on the map attached hereto and made a part hereof by

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reference as Exhibit "B", be hereby is annexed and made a part of the City of Montpelier, a municipal corporation of Idaho.

Section 2: That Ordinance 597 is amended to include Exhibit "A", containing the legal description of the annexed property, a copy of which is attached to this ordinance and incorporated herewith by reference.

Section 3: That Ordinance 597 is amended to include Exhibit "B", which is a map of the annexed property, a copy of which is attached to this ordinance and incorporated herewith by reference.


Section 4: That immediately after the passage, approval, and publication of this ordinance according to law, the City Clerk is hereby directed to file with the Bear Lake County Auditor, Treasurer, and Assessor, and with the Idaho State Tax Commission, a certified copy of this ordinance.

Section 5: That upon the passage, approval, and publication of this ordinance according to law, the incorporated limits of the City of Montpelier shall extend to and include the lands hereinabove described and thereafter all property and persons within the limits of the lands herein annexed shall be subject to all of the provisions of the laws of the City of Montpelier and to the police regulations thereof.

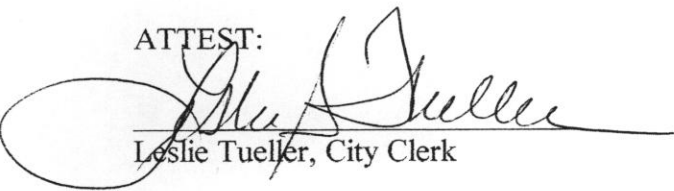
Section 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section 7: One half (1/2) plus one (1) of the members of the full council agree to dispense with the rule requiring the reading of this ordinance on three (3) separate occasions.

PASSED AND APPROVED by the Mayor and the City Council of the City of Montpelier, Bear Lake County, Idaho, this 16th day of March, 2011.


Reed Peterson, Mayor

ATTEST:


Leslie Tueller, City Clerk

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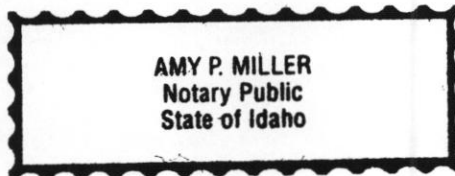
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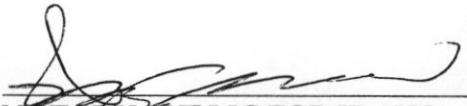
PUBLISHED:

STATE OF IDAHO)
) ss.
COUNTY OF BEAR LAKE)

On this 7 day of April, 2009, before me, the undersigned, a Notary Public for the State, personally appeared Reed Peterson and Leslie Tueller, known to me to be the Mayor and City Clerk, respectively, of the City of Montpelier, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.





NOTARY PUBLIC FOR IDAHO
Residing in Montpelier, Idaho
My commission expires: 11.24.2016

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Exhibit A

Part of SW ¼ of Section 34 Township 12 South Range 44 East, B.M. Bear Lake County, Idaho described as: Beginning at point on the West line of said Section 34 point being N0021'09"@ 1391.92 feet along the section line from the SW corner of said Section 34, running thence along said West line of Section 34 N0021'09"W148.60 feet; thence S8933'01"E 284.55 feet; thence N0017'46"W300.11 feet; thence S8929'46"E849.50 feet; thence S0002'25"W 581.32 feet; thence N8249'44"W 1140.05 feet to the Point of Beginning. Parcel Contains 11,432 more or less.

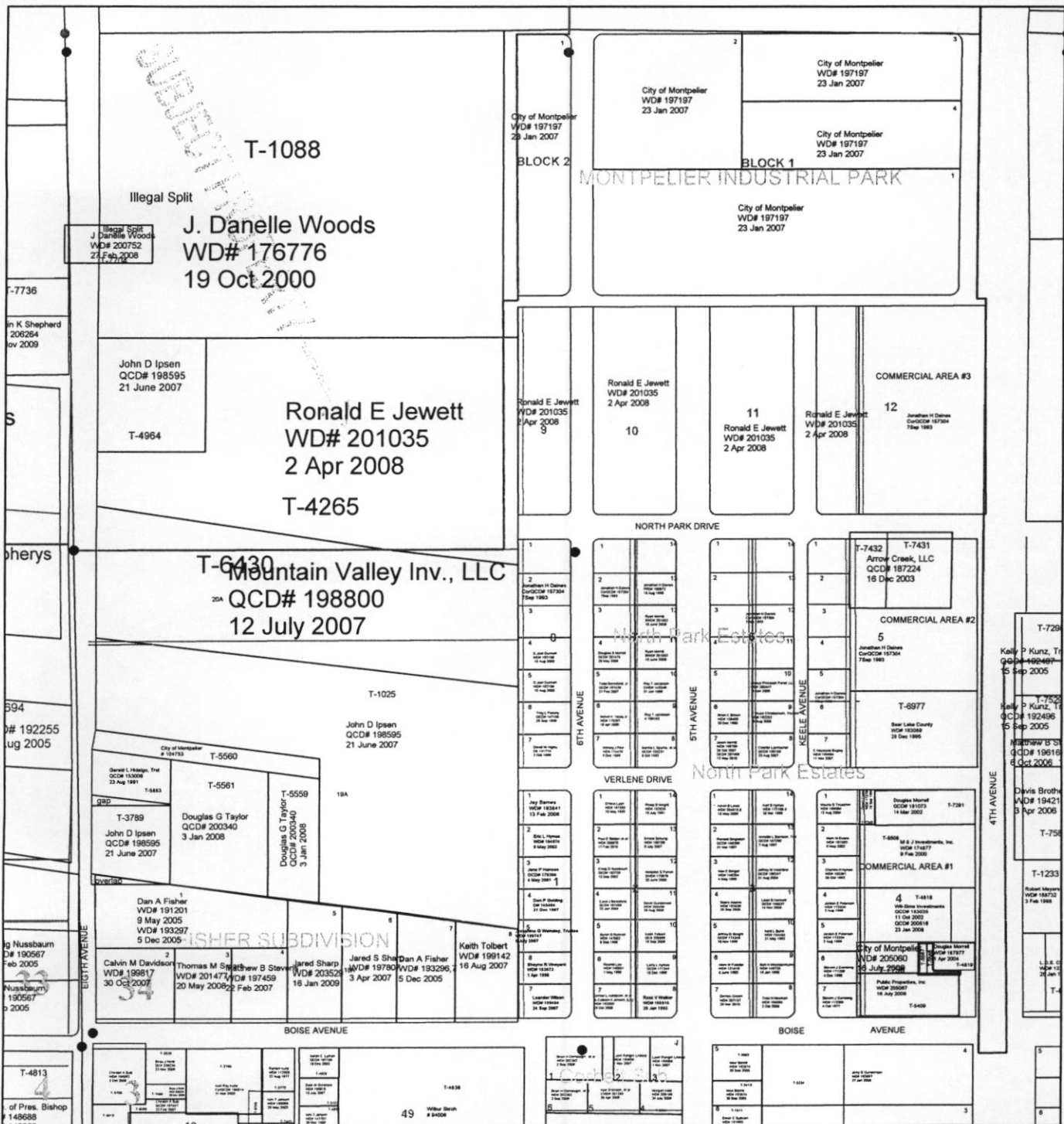
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Pt Sec 34. T12S. R44E BM



This sketch is provided without charge for your information, it is not intended to show all matters related to the property including, but not limited to area dimensions, encroachments, or location of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. The Company assumes NO LIABILITY for any matter related to this sketch. References should be made to an accurate survey for further information.*

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ORDINANCE NO. 597

Instrument # 199785

BEAR LAKE COUNTY

2007-10-25

02:53:40 No. of Pages: 2

Recorded for : CITY OF MONTPELIER

KERRY HADDOCK

Ex-Officio Recorder

Index to: ORDINANCE

Deputy Cindy Lyon Fee: 6.00

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MONTPELIER, COUNTY OF BEAR LAKE, STATE OF IDAHO. BY ANNEXING THERETO A CERTAIN TRACK OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MONTPELIER.

PREAMBLE

A VOLUNTARY PETITIONIN WRITING HAS BEEN PRESENTED TO THE City council and Mayor of the City of Montpelier and signed by Jeff Kallstrom as an authorized agent of Jewett Construction inc., the owner of certain real and personal property, requesting annexation of their properties to the city of Montpelier.

The City Council of the City of Montpelier does ordain as follows:

SECTION 1. The City Council hereby determines that the petition was signed voluntarily by the owners of the real and personal property as would be subject to taxation by the City of Montpelier in the event of annexation.

SECTION 2. The legal description of the property is described hereinafter and said legally described property is contiguous to the City of Montpelier and is not presently embraced within the city limits.

North 8th Street 11.55 acres legally described: commencing at a point 1108.5 feet South of the Northwest corner of the southwest Quarter of Section 34, Township 12 South, Range 44 East of the Boise meridian in Idaho, and running thence South 144.78 feet; thence south 82 degrees 42' East 1164.45 feet; thence North 583.5 feet; thence West 870 feet; thence south 300 feet; thence West 285 feet to beginning.

SECTION 3. The corporate limits of the City of Montpelier are hereby extended and increased so as to include and embrace within the corporate limits of the City of Montpelier the property described herein and said land is hereby annexed and declared to be a part of the city of Montpelier.

SECTION 4. The property annexed to the City of Montpelier will be rezoned to Residential R2.

SECTION 5. The city map and corporate limits are hereby amended and extended to show the annexation of the land described herein to the City of Montpelier

SECTION 6. The Clerk of the City is hereby directed to file will all appropriate State and County Officials a copy of the legal description together with a certified copy of this annexation ordinance within ten days from the effective date.

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SECTION 7. The immediate application of the provisions of this annexation ordinance is necessary for the preservation of public peace, health, and safety and to assist the petitioners for annexation, therefore this ordinance shall be in full force and affect from and after its passage by the City Council and publication as required by law.

PASSED AND ADOPTED by the City Council of Montpelier, Idaho this 3rd day of October, 2007.

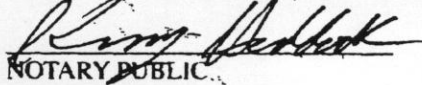
ATTEST:


City Clerk

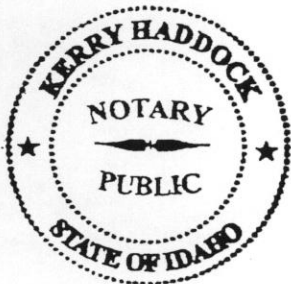

Mayor

SUBSCRIBED AND SWORN TO before me this

24 day of OCTOBER, 2007.


NOTARY PUBLIC

Notary Public for State of Idaho
Residing at: MONTPELIER, ID
My Commission expires: 3-7-2011

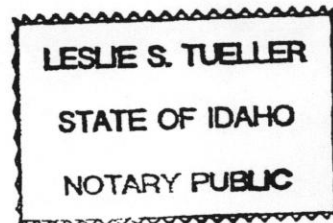


SUBSCRIBED AND SWORN TO before me this

24 day of OCTOBER, 2007.


NOTARY PUBLIC

Notary Public for State of Idaho
Residing at: MONTPELIER, ID
My Commission expires: 3-1-11



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